IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2616 OF 2005

Mahmood Anwar Poonawala .. Applicant

V/s

The State of Maharashtra .. Respondent

Shri K.M. Sangani for applicant

Shri D.P.Adsule,APP for the State.

Coram : V.M. Kanade, J.

Dated : 26/04/2005.

P.C. :-

1 I have heard the learned counsel for the applicant and the learned APP for the State.

2 The applicant is convicted by the trial court for an offence punishable under section 8(c)read with section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and is sentenced to suffer R.I. for 10 years and to pay fine of Rs.1 lakh in default to suffer R.I. for one year. The applicant has preferred an appeal.It is admitted by this court on 23/04/2003.Initially, the application for bail was rejected. Thereafter, second application for bail has been filed. It is submitted that

the applicant is in jail for more than 5 years and 7 months. The learned counsel appearing on behalf of the applicant has relied upon the judgment of this court in criminal application No.1740 of 2004 in which the learned Judge (D.G. Deshpande,J.) has observed that the accused in the said case had been in the jail for 5 years and in view of other facts in the said case, the accused was released on bail.

3 It is not possible to accept the submission made by the learned counsel appearing on behalf of the applicant. No new ground has been made out in this application. The application for bail is rejected. Liberty is granted to the applicant to prepare private paper book and to apply for fixed date of hearing. As soon as the private paper book is ready or after the record and proceedings are received, office to place the criminal appeal on the final hearing board. With these directions, criminal application is rejected.

(V.M.Kanade,J.)